IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 717 of 2001
to
FIRST APPEAL No 720 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

O N G C
Versus
SPECIAL LAND ACQUISITION OFFICER

Appearance:
MR AJAY R MEHTA for appellants
Mr.Umesh Trivedi, learned A.G.P. for respondent No.1 in all these Appeals.
Mr.J.M.Patel for Mr.A.J.Patel for rest of the respondents in all these Appeals.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE J.R.VORA

Date of decision: 19/02/2001

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Admit. Issue Notice. Mr. Umesh Trivedi, learned A.G.P. accepts the notice of admission on behalf of respondent No.1 in all these matters and waives service. Mr.J.M. Patel appears on behalf of rest of the respondents in all these matters and accepts the notice of admission and waives service. On the request of both the sides, the matters were taken up for final hearing right today.

It is stated by both the sides that these matters are fully covered by the decisions of this Court rendered in group of First Appeals Nos.3548 to 3561 of 2000 and First Appeals Nos.3562 to 3575 of 2000 decided on 21.12.2000 and the decisions of this court dated 7.2.2001 in First Appeals Nos.503 to 514 of 2001 and First Appeals Nos.515 to 526 of 2001.

Lands of village Kavas, Taluka Choriyasi, District Surat were sought to be acquired at the instance of ONGC for ONGC Project at Surat. For that purpose Notification under Sec.4 was issued on 2.11.82 and notification under Sec.6 was issued on 2.4.83. The claimants had claimed compensation at the rate of Rs.40/-- per sq.mt. However, the Land Acquisition Officer assessed the rate at Rs.4.25 Ps. to Rs.4.50 Ps. per sq.mt. by his award dated 17.1.86. The land owners took the matter in Reference under Sec.18 before the Reference Court and the Civil Judge (S.D.), Surat, as Reference Court, decided the rate to be Rs.17/-- per sq.mt. i.e. an additional compensation at the rate of Rs.12.50 Ps. to Rs.12.75 Ps. per sq.mt. was awarded. Against this award passed by the Reference Court, the present appeals have been filed.

The Reference Court had passed the order relying upon Exhs.38 and 39 i.e. copies of the Village Forms 7/12 and Exhs.40 to 46 i.e. different judgments of previous awards passed by the District Court earlier with regard to lands of same or the adjoining villages.

It is given out by the learned counsel for the appellants that the lands of another adjoining village had also been acquired for the same purpose by ONGC and in those cases when the matters came up before this Court in group of First Appeals, to which the reference has been made hereinabove, the Division Bench reduced the rate of compensation from Rs.17/-- to Rs.13.50 Ps. per sq.mt. It is, therefore, submitted by both the sides that the rate of compensation be reduced from Rs.17/-per sq.mt. to Rs.13.50 Ps. per sq.mt. Accordingly the rate of compensation, as was determined by the Reference Court

at Rs.17/-- per sq.mt., is hereby reduced to Rs.13.50 Ps. per sq.mt., at which the compensation is to be paid to the claimants. The impugned judgment and order shall stand modified to this limited extent only.

All these 4 First Appeals are partly allowed as above with no order as to costs.

Learned counsel for the appellants has submitted that the due amount shall be deposited within a period of three months from the date the certified copy of this order is served upon the concerned authority by either of the parties.

(M.R.Calla,J)

(J.R.Vora,J)